

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

JUAN TOMAS DIAZ,

Defendant.

24 MAG 2981
SEALED COMPLAINT

Violations of 18 U.S.C. §§ 2252A and 2

COUNTY OF OFFENSE:
BRONX

SOUTHERN DISTRICT OF NEW YORK, ss.:

RYAN MANN, being duly sworn, deposes and says that he is a Special Agent with the U.S. Department of Homeland Security, Homeland Security Investigations (“HSI”), and charges as follows:

COUNT ONE
(Possession of Child Pornography)

1. On or about August 13, 2024, in the Southern District of New York and elsewhere, JUAN TOMAS DIAZ, the defendant, knowingly possessed and accessed with intent to view a book, magazine, periodical, film, videotape, computer disk, and other material that contained an image of child pornography that had been mailed, shipped, and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and that was produced using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, DIAZ possessed sexually explicit images of minors, including images of prepubescent minors and minors who had not attained 12 years of age, in his residence in the Bronx, New York.

(Title 18, United States Code, Sections 2252A(a)(5)(B), (b)(2), and 2.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

2. I am a Special Agent with HSI and have been for approximately eight years. I am currently assigned to the Child Exploitation Investigations Team. During my tenure with HSI, I have participated in the investigation of cases involving crimes against children. Specifically, I have experience investigating cases involving production, receipt, distribution and possession of child pornography.¹

3. This affidavit is based upon my personal participation in the investigation of this matter, as well as on my conversations with other law enforcement officers and my examination of documents, reports, and records. Because this affidavit is being submitted for the limited

¹ The term “child pornography,” as used herein, is a visual depiction of a minor involved in sexually explicit conduct as defined in Title 18, United States Code, Section 2256(8).

purpose of establishing probable cause, it does not include all the facts I have learned during the investigation. Where the contents of documents or the actions, statements, or conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

4. Based on my involvement in the investigation, including conversations with other law enforcement officers, review of documents and communications, and participation in the search and seizure warrant discussed below, I have learned the following, in substance and in part:

a. JUAN TOMAS DIAZ, the defendant, lives in a basement apartment (the "Apartment") located in the same building as a daycare. That daycare is permitted to hold twelve children, ages 6 weeks to 12 years, and four additional school-aged children. There are currently 11 children enrolled at the daycare. DIAZ has access to the daycare, which is run by a family member of DIAZ.

b. On or about August 13, 2024, the Honorable Sarah L. Cave, United States Magistrate Judge, Southern District of New York, issued a search and seizure warrant for the Apartment and any locked and closed containers/items therein (the "Warrant").

c. On that same day, I participated in a search of the Apartment pursuant to the Warrant. DIAZ, the defendant, was present in the Apartment during the execution of the Warrant. DIAZ, after waving his *Miranda* rights and signing a written *Miranda* consent form, voluntarily spoke to law enforcement and admitted to having viewed videos and images of minors engaged in sexual activity.

d. DIAZ also agreed to provide law enforcement with the password that would enable law enforcement to review the contents of a cellphone that was seized during the execution of the Warrant and that DIAZ admitted belonged to him ("Phone-1").

e. A review of Phone-1 revealed what appear to be at least one hundred videos and images containing child pornography, including videos showing infants and toddlers being raped by adults. Among these were:

- i. A video, approximately one minute and 54 seconds in length, with the file name "pthe_BJ cum in 5yo girl's mouth (GREAT!)DSCN2704.wmv," which depicts a nude pubescent female giving oral sex to an adult male erect penis;
- ii. A video, approximately two minutes and 6 seconds in length, with the file name "Pthe\$pedo bdsm niña 8yo amarrada y ultrajada como puta, mientras perro chupa su concha.mkv," which depicts a blindfolded pubescent female with her legs bound to a bedpost and arms bound together, giving oral sex to an adult male erect penis, while an adult male puts dog treats on the pubescent female's vagina and a dog licks the pubescent female's vagina;
- iii. A video, approximately ten seconds in length, which depicts an adult male attempting to penetrate a female toddler's vagina; and

iv. An image of an infant with genitals shown in a sexual manner.

5. Based on my involvement in this investigation, I know that on or about August 13, 2024, JUAN TOMAS DIAZ, the defendant, was arrested based on probable cause that DIAZ illegally possessed child pornography.

WHEREFORE, I respectfully request that JUAN TOMAS DIAZ, the defendant, be imprisoned or bailed, as the case may be.

/s Ryan Mann (By Court with Authorization)

Ryan Mann
Special Agent
Homeland Security Investigations

Sworn to me through the transmission of
this Complaint by reliable electronic
means (telephone), this 14th day of August, 2024.



THE HONORABLE SARAH L. CAVE
United States Magistrate Judge
Southern District of New York